

AMENDED IN SENATE MAY 31, 2005

AMENDED IN SENATE MAY 12, 2005

SENATE BILL

No. 60

Introduced by Senator Cedillo

January 13, 2005

An act to amend Section 12801.5 of, to add Sections 1653.6 and 12801.1 to, and to repeal Section 14610.7 of, the Vehicle Code, ~~relating to vehicles, and declaring the urgency thereof, to take effect immediately.~~ *relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 60, as amended, Cedillo. Vehicles: driver's license.

(1) Existing law requires the Department of Motor Vehicles (hereafter the department), upon proper application, to issue drivers' licenses and identification cards.

This bill would require the department, in the issuance of drivers' licenses and identification cards, to issue licenses and cards that are in compliance with specified requirements of the federal Real ID Act of 2005 (*Public Law 109-13*).

The bill would require the department to issue driver's licenses that permit driving and are acceptable by a federal agency for any official purpose, as certified by the federal Secretary of Homeland Security, to those applicants who are in compliance with specified requirements of specified provisions of the federal act.

The bill would also require the department, in compliance with the federal act, to issue drivers' licenses that permit driving, and are not acceptable by a federal agency for federal identification or for any other official purpose, to those applicants who do not provide valid documentary evidence of lawful status under the federal act.

(2) Existing law requires the department to require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law and prohibits the department from issuing a license or card to a person who does not do so. Existing law requires the department to adopt regulations, including procedures for verifying citizenship or legal residency of applicants for driver's licenses and identification cards, and to make a specified report, annually.

This bill would repeal those requirements.

(3) Existing law makes it a misdemeanor for any person to knowingly assist in obtaining a driver's license or identification card for any person whose presence in the United States is not authorized under federal law.

This bill would delete that provision.

(4) The bill would provide that its provisions are severable.

~~(5) The bill would become operative only if the federal act is enacted into law.~~

~~(6) The bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as
2 the California Real ID Act of 2005.
3 SEC. 2. The Legislature intends by the enactment of this act
4 to accomplish the following:
5 (a) Meet or exceed the document and issuance standards set
6 forth in the federal Real ID Act of 2005 (Public Law _____
7 109-13), to ensure that California has a federally recognized and
8 acceptable driver's license and identification card.
9 (b) Provide drivers' licenses that permit driving, but cannot be
10 used for federal identification purposes, consistent with the
11 federal Real ID Act of 2005, to California drivers that cannot
12 meet the minimum identity confirmation requirements
13 ~~necessarily~~ necessary to obtain a federally-recognized driver's
14 license or identification card.
15 SEC. 3. Section 1653.6 is added to the Vehicle Code, to read:

1 1653.6. In the issuance of drivers' licenses and identification
2 cards under this code, the department shall issue drivers' licenses
3 and identification cards that are in compliance with the Section
4 202 of Title 11 of the federal Real ID Act of 2005 (Public Law
5 ~~109-13~~).

6 SEC. 4. Section 12801.1 is added to the Vehicle Code, to
7 read:

8 12801.1. (a) The department shall issue driver's licenses that
9 permit driving and are acceptable by a federal agency for any
10 official purpose, as certified by the Secretary of Homeland
11 Security, to those applicants who are in compliance with the
12 requirements of Section 202 of Title II of the federal Real ID Act
13 of 2005 (Public Law ~~109-13~~).

14 (b) The department, in compliance with the federal Real ID
15 Act of 2005, shall issue drivers' licenses that permit driving, and
16 are not acceptable by a federal agency for federal identification
17 or for any other official purpose pursuant to paragraph (11) of
18 subsection (d) of Section 202 of Title II of the federal act, to
19 those applicants who do not meet the requirements of
20 subparagraph (B) of paragraph (2) of subsection (c) of Section
21 202 of the federal act.

22 SEC. 5. Section 12801.5 of the Vehicle Code is amended to
23 read:

24 12801.5. (a) Notwithstanding any other provision of law, a
25 peace officer may not detain or arrest a person solely on the
26 belief that the person is an unlicensed driver, unless the officer
27 has reasonable cause to believe the person driving is under the
28 age of 16 years.

29 (b) The inability to obtain a driver's license pursuant to this
30 section does not abrogate or diminish in any respect the legal
31 requirement of every driver in this state to obey the motor vehicle
32 laws of this state, including laws with respect to licensing, motor
33 vehicle registration, and financial responsibility.

34 SEC. 6. Section 14610.7 of the Vehicle Code is repealed.

35 SEC. 7. The provisions of this act are severable. If any
36 provision of this act or its application is held invalid, that
37 invalidity shall not affect other provisions or applications that can
38 be given effect without the invalid provision or application.

39 ~~SEC. 8. This act shall become operative only if the federal~~
40 ~~Real ID Act of 2005 is enacted into law.~~

1 ~~SEC. 9. This act is an urgency statute necessary for the~~
2 ~~immediate preservation of the public peace, health, or safety~~
3 ~~within the meaning of Article IV of the Constitution and shall go~~
4 ~~into immediate effect. The facts constituting the necessity are:~~

5 ~~In order to comply with the federal Real ID Act of 2005, if~~
6 ~~enacted, and to reduce the number of unlicensed drivers on our~~
7 ~~highways, who account for 20 percent of all accidents and,~~
8 ~~thereby, compromise public safety, it is necessary that this act~~
9 ~~take effect immediately.~~